



OFFICE OF THE DISTRICT ATTORNEY, Bronx County

DARCEL D. CLARK
District Attorney

198 East 161st Street
Bronx, New York 10451

(718) 590-2000

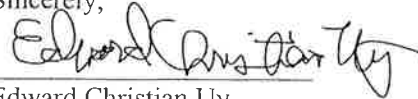
December 8, 2021

CPL section 245.20(1)(k) disclosure

- Police Officer Benito Cruz
 - Charges and Specs
 - Date: 12/23/2019
 - Serial Number: 21452
 - DADS# 2019-21452
 - Police Officer Benito Cruz, on or about July 29, 2018, at approximately 02:30, while assigned to the 40th Precinct and on duty, in the vicinity of 224 Willis Avenue, Bronx County, wrongfully used force, in that he pushed [REDACTED]'s head into the ground without police necessity. PG 221-02, Page 2, Prohibition 11 Use of Force.
 - Police Officer Benito Cruz, on or about July 29, 2018, at approximately 02:30, while assigned to the 40th Precinct and on duty, in the vicinity of 224 Willis Avenue, Bronx County, was discourteous, in that he used profanities saying, in sum and substance, "You talking shit right now you pussy ass nigger" to [REDACTED] without sufficient legal authority. PG 203-09, Page 1, Paragraph 2 Public Contact – General.
 - Police Officer Benito Cruz, on or about July 29, 2018, at approximately 02:30, while assigned to the 40th Precinct and on duty, in the vicinity of 224 Willis Avenue, Bronx County, made remarks to [REDACTED] based upon gender saying, in sum and substance, "You talking shit right now you pussy ass nigger." PG 203-10, Page 1, Paragraph 1 Public Contact – Prohibited Conduct.
 - Police Officer Benito Cruz, on or about July 29, 2018, at approximately 02:30, while assigned to the 40th Precinct and on duty, in the vicinity of 224 Willis Avenue, Bronx County, made remarks to [REDACTED] based upon race saying, in sum and substance, "You talking shit right now you pussy ass nigger." PG 203-10, Page 1, Paragraph 1 Public Contact – Prohibited Conduct.
- Police Officer Benito Cruz has been suspended from duty as of November 23, 2021. His suspension is related to the results of a hearing conducted by the Administrative Prosecutions Unit of the CCRB based on charges and specifications referred by the NYPD.

- Internal Investigation
 - Date 2/7/2020
 - Allegation 1: body worn camera – fail to activate (substantiated)
 - Said Police Officer Benito Cruz, while on-duty and assigned to the 40th Precinct, on or about July 29, 2018, improperly used his body-worn camera, to wit: said police officer turned off his body-worn camera during police action.
 - Allegation 2: fail to prepare report – TRI report (substantiated)
 - Said Police Officer Benito Cruz, while on-duty and assigned to the 40th Precinct, on or about July 29, 2018, failed to prepare a threat, resistance, or injury report as required.
 - Allegation 3: charges and specifications – other (substantiated)
 - Overall disposition: substantiated
 - Action taken: charges and specifications
 - Police Officer Cruz improperly used his/her body-worn camera according to Patrol Guide Procedure 212-123 and did not complete a T.R.I. report as required.
- Internal Investigation
 - Date: 04/01/2020
 - Serial Number: F120
 - IAB Log#: 20-9224
 - ICMT Case#: F120-266
 - Allegation 1: Use of Force -- Level 2 (Info. and Intelligence)
 - Allegation 2: Disputed Stop of a Person – Enforcement Action Taken – Arrest/Summons (Exonerated)
 - Allegation 3: Prisoner Incident -- Injured Prior to NYPD Custody – MOS involved (info. and intelligence)
 - Allegation 4: FADO Force – Physical Force (Info. and Intelligence)
 - Allegation 5: Force – Physical Force (Exonerated)
 - Allegation 6: Disputed Search of a Person – Enforcement Action Taken – Arrest/Summons (Info. and Intelligence)
 - Allegation 7: FADO Abuse of Authority – Search of a Person – Enforcement Action Taken (Info. and Intelligence)
 - Allegation 8: Body Worn Camera – Fail to Activate (Substantiated)
 - Allegation 9: Fail to Prepare Report – TRI Report (Substantiated)
 - Closed date: 2020-06-24
 - Action Taken: Schedule A Command Discipline
- CCRB# 201806550

Sincerely,



Edward Christian Uy
 Assistant District Attorney
 Violent Criminal Enterprise Bureau
 Bronx District Attorney's Office
 (718) 838-7507